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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/800,023 | 03/12/2004 | Daniel Hawiger | RUIJ-001CNC2 | 9210 |
| 959 7590 09/16/2009 LAHIVE & COCKFIELD, LLP FLOOR 30, SUITE 3000 ONE POST OFFICE SQUARE BOSTON, MA 02109 | | | EXAMINER SCHWADRON, RONALD B | |
| | | | ART UNIT 1644 | PAPER NUMBER |
| | | | MAIL DATE 09/16/2009 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10800023 | 3/12/2004 | HAWIGER ET AL. | RUJ-001CNP2 |

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EXAMINER

Ron Schwadron, Ph.D.

| ART UNIT | PAPER |
|----------|--------|
| 1644 | 200909 |

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

37 CFR 1.822(e)(5) requires that all nucleotide sequences in the sequence listing be presented in the 5' to 3' direction. Sequences 7,8,40,12 (as per sections [0254] and [0260] of the specification) have been presented in the sequence listing in the 3' to 5' direction. Appropriate correction is required.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Ron Schwadron, Ph.D.
Primary Examiner, Art Unit 1644

/Ron Schwadron/
Primary Examiner, Art Unit 1644

| | | | |
|--|---|---|--|
| <p align="center">Notice to Comply</p> | Application No. 10800023 | Applicant(s) HAWIGER ET AL. | |
| | Examiner Ron Schwadron, Ph.D. | Art Unit 1644 | |
| <p align="center">NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</p> | | | |
| <p>Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> | | | |
| <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> | | | |
| <p><input checked="" type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</p> <p><input type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</p> <p><input type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</p> <p><input type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."</p> <p><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</p> <p><input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</p> <p><input checked="" type="checkbox"/> 7. Other:</p> | | | |
| <p>Applicant Must Provide:</p> | | | |
| <p><input checked="" type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".</p> <p><input checked="" type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.</p> <p><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</p> | | | |
| <p>For questions regarding compliance to these requirements, please contact:</p> | | | |
| <p>For Rules Interpretation, call (571) 272-0731 or (571) 272-0951 For CRF Submission Help, call (571) 272-2510 PatentIn Software Program Support Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845 PatentIn Software is Available At www.USPTO.gov</p> | | | |
| <p align="center">PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</p> | | | |
| <p>Ron Schwadron, Ph.D. Primary Examiner, Art Unit 1644</p> | | <p>/Ron Schwadron/ Primary Examiner, Art Unit 1644</p> | |